

Senate Study Bill 1235 - Introduced

SENATE FILE _____

BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MILLER-MEEKS)

A BILL FOR

1 An Act relating to the practice of dentistry, including the
2 practice of dental hygiene and the services of dental
3 assistants, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 153.15, Code 2019, is amended to read as
2 follows:

3 **153.15 Dental hygienists — scope of term.**

4 A licensed dental hygienist may perform those services
5 which are educational, therapeutic, and preventive in nature
6 which attain or maintain optimal oral health as determined by
7 the board and may include but are not necessarily limited to
8 complete oral prophylaxis, application of preventive agents
9 to oral structures, exposure and processing of radiographs,
10 administration of medicaments prescribed by a licensed
11 dentist, obtaining and preparing nonsurgical, clinical and
12 oral diagnostic tests for interpretation by the dentist, and
13 preparation of preliminary written records of oral conditions
14 for interpretation by the dentist. Such services, except
15 educational services, shall be performed under supervision of a
16 licensed dentist ~~and in a dental office, a public or private~~
17 ~~school, public health agencies, hospitals, and the armed~~
18 ~~forces~~, but nothing herein shall be construed to authorize
19 a dental hygienist to practice dentistry. Educational
20 services shall be limited to assessing the need for, planning,
21 implementing, and evaluating oral health education programs
22 for individual patients and community groups; and conducting
23 workshops and in-service training sessions on dental health
24 for nurses, school personnel, institutional staff, community
25 groups, and other agencies providing consultation and technical
26 assistance for promotional, preventive, and educational
27 services.

28 Sec. 2. Section 153.33, subsection 1, Code 2019, is amended
29 by adding the following new paragraph:

30 NEW PARAGRAPH. f. (1) To impose a monetary penalty of up
31 to \$500 upon any licensee, registrant, or trainee, by rule, who
32 does any of the following:

33 (a) Works without a current license, registration, permit,
34 or qualification.

35 (b) Employs an individual without a current license,

1 registration, permit, or qualification.

2 (c) Fails to complete the continuing education required for
3 renewal of a license or registration.

4 (2) Notwithstanding section 153.34, the assessment and
5 payment of any monetary penalty under this paragraph shall not
6 be considered a disciplinary action or reported as discipline
7 and shall be confidential. A licensee, registrant, or trainee
8 shall be provided the opportunity to appeal the assessment,
9 which shall initiate a contested case proceeding under chapter
10 17A. Nothing in this paragraph shall prohibit the board from
11 imposing discipline upon a licensee, registrant, or trainee
12 for willful or repeated violations. Any monetary penalties
13 collected pursuant to this paragraph shall be deposited into
14 a fund, established by the board, designed to create training
15 opportunities for licensees and registrants of the board.

16 Sec. 3. Section 153.38, Code 2019, is amended by striking
17 the section and inserting in lieu thereof the following:

18 **153.38 Dental assistants — scope of practice.**

19 1. A registered dental assistant may perform those services
20 of assistance to a licensed dentist as determined by the board
21 by rule. Such services shall be performed under supervision of
22 a licensed dentist. Every licensed dentist who utilizes the
23 services of a registered dental assistant for the purpose of
24 assistance in the practice of dentistry shall be responsible
25 for acts delegated to the registered dental assistant. A
26 dentist shall delegate to a registered dental assistant only
27 those acts which are authorized to be delegated to registered
28 dental assistants by the board.

29 2. A registered dental assistant with additional education
30 and training, as established by the board by rule, may become
31 certified to perform expanded functions or become qualified
32 to participate in dental radiography. Only dental assistants
33 who have successfully completed expanded function training
34 through the university of Iowa or a program accredited by the
35 commission on dental accreditation may be permitted to place

1 sealants.

2 3. Nothing herein shall be construed to authorize a dental
3 assistant to practice dentistry or dental hygiene. The
4 dental board shall not adopt rules that would allow a dental
5 assistant to administer local anesthesia, or remove, except by
6 toothbrush, floss, or rubber cap coronal polish, any plaque,
7 stain, calculus, or hard natural material.

8 Sec. 4. REPEAL. 2000 Iowa Acts, chapter 1002, section 7,
9 is repealed.

10	EXPLANATION
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11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill relates to the practice of dentistry in Iowa. The
14 bill removes the requirement that dental hygiene services only
15 be performed in a dental office, public or private school,
16 public health agency, hospital, or the armed forces.

17 The bill allows the dental board to issue a monetary penalty
18 of up to \$500 to any licensee, registrant, or trainee who
19 works without a current license, registration, permit or
20 qualification, employs such a person, or fails to complete
21 continuing education requirements. Such a penalty shall not be
22 considered a disciplinary action or reported as discipline and
23 shall remain confidential. The bill allows a person assessed
24 such a penalty to appeal the penalty. The bill directs such
25 penalties to be deposited in a fund designed to create training
26 opportunities for licensees and registrants of the board.

27 The bill allows registered dental assistants with additional
28 education and training to perform expanded functions according
29 to rules adopted by the board. The bill prohibits the board
30 from adopting rules that would allow a dental assistant to
31 administer local anesthesia or remove calculus or hard natural
32 materials.

33 The bill repeals 2000 Iowa Acts, chapter 1002, section
34 7, prohibiting the dental board from adopting rules allowing
35 dental hygienists to perform administration of local

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1 anesthesia, placement of sealants, or removal of any plaque,
2 stain, calculus, or hard natural or synthetic material except
3 by toothbrush, floss, or rubber cup coronal polish.